

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
TAMIKO GARRIS-RIVERS,

Plaintiff,

-against-

THE METROPOLITAN TRANSPORTATION
AUTHORITY, THE METROPOLITAN
TRANSPORTATION AUTHORITY POLICE
DEPARTMENT, THE LONG ISLAND RAIL ROAD,
MTAPD POLICE OFFICER ELOISE BRODERICK,
MTAPD POLICE OFFICER GREG BUEHLER,
MTAPD POLICE OFFICER CHRIS MCDERMOTT,
MTAPD POLICE OFFICER JOUAN OLIVARES,
MTAPD POLICE OFFICER ROBERT RAU, MTAPD
POLICE OFFICER MATTHEW REILLY, MTAPD
POLICE OFFICER MICHAEL HAGGERTY, MTAPD
POLICE OFFICER SHEK, MTAPD POLICE OFFICER
"JOHN DOE" ALSO KNOWN AS POLICE OFFICER
"WILLETT", LIRR EMPLOYEE BENJAMIN
GARDNER, and LIRR EMPLOYEE JOHN MANCINI,

Defendants.
-----X

GEORGE B. DANIELS, United States District Judge:

ORDER

13 Civ. 9034 (GBD) (RLE)

For the reasons articulated at the August 13, 2015 oral argument, Defendants' Motion for Summary Judgment is DENIED as to Plaintiff's first cause of action (deprivation of federal civil rights under § 1983), second cause of action (false arrest under § 1983), third cause of action (failure to intervene), and tenth cause of action (false arrest and imprisonment).

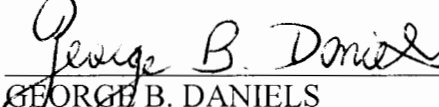
Defendants' Motion for Summary Judgment is GRANTED as to Plaintiff's fourth cause of action (excessive force), sixth cause of action (assault and battery), eighth cause of action (negligence), and ninth cause of action (negligent hiring).¹

¹ Plaintiff withdrew her intentional infliction of emotional distress claim (eleventh cause of action), and her defamation claim (thirteenth cause of action), and dismissed all claims against defendants Buehler, "Willet," and Shek as defendants. Pl.'s Mem. Opp. Defs.' Mot. Summ. J. at 19-20. Plaintiff also does not dispute dismissal of paragraph

The Clerk of Court is directed to close the motion at ECF No. 64.

Dated: August 13, 2015
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge

54 of the Amended Complaint that defendants, “collectively and individually, while acting under color of state law, engaged in Constitutionally-violative conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.” (First Am. Compl. ¶ 54, ECF No. 18.) Plaintiff also abandoned her fifth cause of action under Equal Protection during oral argument.